



**Ninety-Ninth Legislature - First Session - 2005**  
**Committee Statement**  
**LB 120**

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**Hearing Date:** February 16, 2005  
**Committee On:** Natural Resources

**Introducer(s):** (Louden, Erdman, Kremer, Smith, Stuhr)  
**Title:** Change Livestock Waste Management Act permit conditions

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**Roll Call Vote – Final Committee Action:**

Advanced to General File  
X Advanced to General File with Amendments  
Indefinitely Postponed

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**Vote Results:**

7	Yes	Senators Hudkins, Kopplin, Kremer, Louden, Schrock, Smith, Stuhr
1	No	Senator McDonald
0	Present, not voting	
0	Absent	

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**Proponents:**

Senator LeRoy Louden  
Craig Head  
Duane Gangwish  
David Howell

**Representing:**

Introducer  
Nebraska Farm Bureau Federation  
Nebraska Cattlemen  
Howell Farms

**Opponents:**

Joe Herrod  
Wes Sheets  
Rob Schupbach

**Representing:**

Nebraska Council of Sportsmens Clubs  
Nebraska Division, Izaak Walton League  
Cornhusker Fly Fishers, Trout Unlimited

**Neutral:**

Charles Hibberd  
Mark Brohman  
Mike Linder

**Representing:**

Self  
Game and Parks Commission  
Department of Environmental Quality

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**Summary of purpose and/or changes:**

LB 120 adds an additional provision to the Livestock Waste Management Act as that act relates to activities that occur within two miles of a cold water class A stream.

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Section (2) (d) Existing animal feeding operations may receive a new or modified permit if the existing operation or the livestock waste control facility is located less than two miles from a cold water class A stream and the Department of Environmental Quality determines, based on scientific information provided in the application, that the proposed expansion does not pose a potential threat to the stream.

**Explanation of amendments, if any:**

The Committee amendment inserts a new section into the bill. It adds an express prohibition against expansion of an existing livestock operation of its livestock waste control facility if it is located within one mile of a cold water class A stream segment and is located within the same cold water class A stream watershed as the animal feeding operation. It provides for an exception to this prohibition for a facility used for research by the University of Nebraska in a facility owned by the University if the Department of Environmental Quality determines, based on scientific information provided in the application or other available information, that the proposed expansion does not pose a potential threat to the stream.

The Committee amendment also allows the Department to consider other available information in addition to the information provided in the application in making its determination as to whether or not an existing animal feeding operation or livestock waste control facility that is located less than two miles from a cold water class A stream may expand.

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**Senator Ed Schrock, Chairperson**